



**DEPARTMENT OF ENVIRONMENTAL RESOURCES**

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494  
Phone: 209.525.6700 Fax: 209.525.6774

February 27, 2017

Merry Mayhew, Assistance Director  
Stanislaus County Parks and Recreation  
3800 Cornucopia Way, Suite C  
Modesto, CA 95358

**TRANSMITTAL OF CITATION NO. DER-17C-003 FOR NITRATE MONITORING AND REPORTING VIOLATION**

The Frank Raines OHV Park Water System failed to monitor and report for nitrates during 2016, as specified in the Domestic Water Quality Monitoring Regulation, Chapter 15, Title 22, California Code of Regulations. The Stanislaus County Department of Environmental Resources has issued Citation No. DER-17C-003 in response to this violation. The citation is being transmitted to the Frank Raines OHV Park Water System, along with a revised water supply permit, under cover of this letter. Please respond to each item of the Directives by the deadlines established in the citation.

If you have any questions regarding this matter, please contact Rachel Riess at (209) 525-6720.

Sincerely,

Rachel Riess, REHS  
Senior Registered Environmental Health Specialist

Enclosure (2)

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The Department of Environmental Resources (hereinafter "Department"), acting by and through its Division of Environmental Health (hereinafter "Division") and the Manager for the Division (hereinafter "Manager"), hereby issues this Citation (hereinafter "Citation") pursuant to Sections 116330 (f) and 116650 of the California Health and Safety Code (hereinafter "CHSC") to the Frank Raines OHV Park Water System (hereinafter, "Frank Raines") for violation of Title 22, California Code of Regulations (CCR), Section 64432.1.

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(a) If the Division determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the Division may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(e) The Division may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

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1 (a) To determine compliance with the maximum contaminant level (hereinafter MCL)  
2 for nitrate in Table 64431-A, all public water systems using groundwater and  
3 transient-noncommunity systems using surface water shall monitor annually.  
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#### 5 STATEMENT OF FACTS

6 Frank Raines is operated under Water Supply Permit No. 2017-02-003, which was  
7 issued on February 21, 2017.  
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9 Frank Raines' water system is located in Stanislaus County along Del Puerto Canyon  
10 Road, approximately 18 miles west of the City of Patterson. Frank Raines' service  
11 area is approximately 11 acres in size.  
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13 Frank Raines' water system is classified as a Transient Noncommunity water system  
14 that serves the employees and visitors of the off-highway vehicle park. According to  
15 the 2015 Annual Report to the Division, Frank Raines serves approximately 26 people  
16 through 45 service connections. None of these service connections are metered and  
17 45 are un-metered. The water system obtains its water supply from one active well  
18 and a Homesprings membrane treatment plant located on Frank Raines property.  
19

20 The well and treatment plant discharge to a 10,000-gallon storage tank, prior to  
21 entering the domestic water system. Irrigation and fire demands are supplied through  
22 a sump well with a check valve.  
23

24 Frank Raines was inspected by Rachel Riess, Registered Environmental Health  
25 Specialist from the Division, on June 3, 2015, with the assistance of James Pursley,  
26 operator. A Master Sampling Report was provided as a result of this inspection for  
27 compliance with all required testing elements. During a routine review of Division



1 monitoring records, it was determined that Frank Raines did not monitor Well 01 Raw  
2 (LDW-1) 5000243-001 for nitrates during 2016.

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4 Specifically, February 1, 2017, James Pursley, Treatment Operator and Park  
5 Manager, initially reported that there had been a misunderstanding regarding the  
6 Frank Raines water system's nitrate sampling and that nitrates had not been tested  
7 during 2016. On February 21, 2017, an email was sent to James Pursley, confirming  
8 that the Frank Raines water system had not sampled its source for nitrates during  
9 2016.

#### 10 11 DETERMINATION

12 The Division has determined that Frank Raines failed to comply with the requirements  
13 of Section 64432.1 due to the fact that Frank Raines failed to conduct annual nitrate  
14 monitoring from its well. Therefore, Frank Raines is in violation of Section 64432.1 of  
15 the CCR.

#### 16 17 DIRECTIVES

18 Frank Raines is hereby directed to take the following actions:

- 19  
20 1. Notify the patrons served by Frank Raines of the failure to monitor nitrates in  
21 conformance with Section 64432.1, Title 22, CCR. The notification shall be  
22 provided in accordance with the following:
- 23  
24 a. Frank Raines is required to notify the employees and patrons of the off-  
25 highway vehicle park of this violation by posting notices per their  
26 Emergency Notification Plan on file with this department. The notice





1 shall be posted no later than March 23, 2017, and shall remain posted  
2 for at least 7 days.

3 b. A sample notification form that can be used to satisfy the public  
4 notification requirement is attached to this Citation. Within ten (10) days  
5 of posting of the notice, Frank Raines shall submit to the Division a copy  
6 of the notification including certification of its posting.

7  
8 2. By March 23, 2017, Frank Raines must provide a written plan to the Division that  
9 describes the steps Frank Raines plans to take to prevent similar violations from  
10 occurring in the future.

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12 3. Frank Raines shall monitor the well for nitrates by March 7, 2017. If the results  
13 are below half the MCL, then the well shall return to annual monitoring. The next  
14 nitrate sample for this well, depending on the upcoming results, shall be due  
15 between April and June, 2017 (if above the half MCL) or during 2018 (if below  
16 the half MCL).

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18 The Division reserves the right to make such modifications to this Citation as it may  
19 deem necessary to protect public health and safety. Such modifications may be  
20 issued as amendments to this Citation, and shall be deemed effective upon issuance.

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22 Nothing in this Citation relieves Frank Raines of its obligation to meet the  
23 requirements of the California Safe Drinking Water Act, or of any regulation, permit,  
24 standard, or order issued or adopted thereunder.

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26 All submittals required by this Citation shall be submitted to the Division at the  
27 following address:

1 Rachel Riess, REHS  
2 Department of Environmental Resources  
3 3800 Cornucopia Way, Suite C  
4 Modesto, CA 95358  
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6 **PARTIES BOUND**

7 This Citation shall apply to and be binding upon Frank Raines, its officers, directors,  
8 shareholders, agents, employees, contractors, successors, and assignees.  
9

10 **SEVERABILITY**

11 The Directives of this Citation are severable, and Frank Raines shall comply with each  
12 and every provision thereof, notwithstanding the effectiveness of any other provision.  
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14 **FURTHER ENFORCEMENT ACTION**

15 The California SDWA authorizes the Board to: issue citation with assessment of  
16 administrative penalties to a public water system for violation or continued violation of  
17 the requirements of the California SDWA or any permit, regulation, permit or order  
18 issued or adopted thereunder including, but not limited to, failure to correct a violation  
19 identified in a citation or compliance order. The California SDWA also authorizes the  
20 Board to take action to suspend or revoke a permit that has been issued to a public  
21 water system if the system has violated applicable law or regulations or has failed to  
22 comply with an order of the Board; and to petition the superior court to take various  
23 enforcement measures against a public water system that has failed to comply with  
24 violates an order of the Board. The Board does not waive any further enforcement  
25 action by issuance of this citation.  
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2/21/17

Date



Rachel Riess, REHS

Senior Environmental Health Specialist

Division of Environmental Health

Department of Environmental Resources

Stanislaus County

Attachments:

1. Public Notification

2. Proof of Notification Form

Hand delivered to Merry Mayhew





## Instructions for Tier 3 Monitoring Violations Annual Notice Template

### Template Attached

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.7(b)]. Multiple monitoring violations can be serious. **Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].**

### Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.7(c)(1)]	Mail or direct delivery <sup>(a)</sup>	Publication in a local newspaper
		Posting <sup>(b)</sup> in conspicuous public places served by the water system or on the Internet
		Delivery to community organizations
Non-Community Water System [64463.7(c)(2)]	Posting in conspicuous locations throughout the area served by the water system <sup>(b)</sup>	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting <sup>(b)</sup> on the Internet or intranet
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above, insertion in an annual notice, or included in the Consumer Confidence Report<sup>1</sup>. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the standard language for monitoring and testing

<sup>1</sup> CCR may be used as long as public notification timing, content, and delivery requirements are met [64463.7(d)].

## Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- "We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards."
- "We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]"
- "We plan to take the required samples soon, as described in the last column of the table above."

## After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the DDW sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a "problem corrected" notice when the violation is resolved.



For more information, please contact [name of contact] at [phone number] or [mailing address].

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.*

### **Secondary Notification Requirements**

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by [system].

State Water System ID#: \_\_\_\_\_. Date distributed: \_\_\_\_\_.